

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NORFOLK SOUTHERN RAILWAY)
COMPANY,)
)
Plaintiff,) Civil Action No. 11-1350
)
v.) Judge Cathy Bissoon
)
PENNSYLVANIA PUBLIC UTILITY)
COMMISSION, *et al.*,)
)
Defendants.)

ORDER

Norfolk's Motion to lift the stay in this case (*see Doc. 19*) is **DENIED**.

The Court agrees that Norfolk effectively preserved its position that the preemption issue, decided in its favor by the PUC, is best left to the federal judiciary. *See* Pl.'s Mot. at ¶ 9. Nevertheless, too much has been accomplished through the state proceedings to abruptly change course merely because the Union has filed an appeal therein. This Court need not rely on abstention doctrines to determine that continuing the stay will promote the interests of judicial economy, comity and the avoidance of duplicative litigation. *See Integrated Finan. Assocs., Inc. v. Blanchard*, 2010 WL 4736610, *1-2 (D. Nev. Nov. 15, 2010) (“[a] federal court may stay its proceedings based on comity,” avoidance of duplicative litigation, and to conserve judicial resources, “even when none of the abstention doctrines requires that it do so”) (citation to quoted source omitted).

Thus, through an exercise of the Court's inherent authority, this case will remain **STAYED** pending resolution of the state proceedings referenced above, and the case again is **ADMINISTRATIVELY CLOSED**.

Consistent with the foregoing, Plaintiff or Defendants may restore this action to the Court's active calendar upon application or by motion.

IT IS SO ORDERED.

October 5, 2012

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record